

Pandemic influenza preparedness: sharing of influenza viruses and access to vaccines and other benefits

Report by the Open-Ended Working Group of Member States on Pandemic Influenza Preparedness: sharing of influenza viruses and access to vaccines and other benefits

CORRIGENDUM

1. This corrigendum provides the national position of one Member State, as was accepted by the Open-Ended Working Group of Member States on Pandemic Influenza Preparedness: sharing of influenza viruses and access to vaccines and other benefits on 15 April 2011; a reference to which is hereby added to the report contained in A64/8 in a new paragraph 6.
2. The new paragraph 6 reads:

“6. A statement by the Delegation of the Plurinational State of Boliva is provided in Attachment 4.”
3. The text of the new Attachment 4 is provided below.

ATTACHMENT 4

Position of Bolivia
On the preliminary adoption of the:

“Pandemic Influenza Preparedness Framework for the Sharing Of Influenza Viruses and Access to Vaccines and Other Benefits”

Bolivia expresses its concerns with the preliminary adoption of Annex 2, the “Standard Material Transfer Agreement outside WHO GISRS (SMTA 2)” of the Pandemic Influenza Preparedness Framework For the Sharing of Influenza Viruses and Access to Vaccines and Other Benefits by the Open-Ended Working Group on Pandemic Influenza Preparedness (OEWG/PIP) on the morning of 16th of April 2011 because it does not prohibit the patenting of the influenza biological material and parts thereof shared with entities outside WHO GISRS.

The New Political Constitution¹ of Bolivia in its Article 255 Paragraph II states that the “Negotiation, signature and ratification of treaties will be governed by the following principles: harmony with nature, protection of biodiversity and prohibition of private appropriation of plants, animals, micro-organisms and any living matter for exclusive use and exploitation”. For this reason, the Plurinational State of Bolivia has presented proposals in various fora to prohibit the patenting of all life forms and parts thereof.

The Plurinational State of Bolivia defended such a view during the Open-Ended Working Group meetings on “Pandemic Influenza Preparedness Framework for the Sharing Of Influenza Viruses and Access to Vaccines and Other Benefits” at the World Health Organization (WHO) and has presented proposals prohibiting the patenting of influenza biological materials and parts thereof by entities inside WHO GISRS (e.g. by the WHO Collaborating Centres, H5 Reference Laboratories and the Essential Regulatory Laboratories) as well as by entities outside WHO GISRS.

During the OEWG/PIP meeting that took place in WHO from 11-15th April 2011, the Plurinational State of Bolivia presented a proposal to ensure that the biological material and parts thereof shared through the Pandemic Influenza Preparedness Framework are not appropriated by entities outside the WHO GISRS through the patent system.

It is our view that allowing the patenting of influenza biological materials and parts thereof particularly in the context of pandemic preparedness is against public health interests and thus contradicts the primary objective of the World Health Organization that is “the attainment by all peoples of the highest possible level of health”.

We also firmly believe that it is unethical and runs counter to the beliefs, traditions and cultures of many people around the world, including the indigenous peoples of Bolivia, and could have severe adverse effects for pandemic risk assessment and response including on research and

¹ The new Political Constitution of Bolivia was approved in 2009 through a referendum with more than 64% of support of Bolivia's people; the voter turnout was above 90% with large participation of women and indigenous peoples. The adoption of this new Constitution was a cornerstone in the independent life of Bolivia, since it was developed with broad participation for the first time of women and indigenous peoples (who constitute the majority of Bolivia's population) in both the process of drafting as well as in voting

development as well as on promoting access to vaccines and other medical technologies and supplies.

While in the spirit of constructiveness and flexibility the Plurinational State of Bolivia withdrew its proposal, Bolivia would like to strongly state its reservation on the matter and to reserve its right to seek a prohibition of the patenting of influenza biological materials and parts thereof by entities within and outside WHO GISRS.

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